Approved For Release 2004/10/28 : CIA-RDP80M01066A000800140007-4

Executive Registry
75-5154/1

13 MAR 1975

MEMORANDUM FOR: Deputy Executive Secretary

SUBJECT : Receipting for FOIA Requests

I concur in your recommendation that IRS sign return receipts which accompany some registered and certified mail involving FOIA matters.

STAT

Chief, Information Review Staff

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Administrative - Internal Use Only

Executive Registry
75-5154

12 March 1975

MEMORANDUM FOR: Deputy Director for Administration

VIA: Chief, Information Review Staff

SUBJECT: Receipting for FOI Requests

1. Many requests for release of information under the Freedom of Information Act, as amended, addressed to the Director arrive by registered or certified mail accompanied by a return receipt. These return receipts are not filled out by the mail room but forwarded with the correspondence to Executive Registry. They could be receipted and returned by the Executive Registry. If this were done, an actual signature--rather than a pseudonym which could lead to embarrassment if not possible legal action--should be used. However, in view of the rigorous time element in replying to FOI requests, it appears advisable to have these return receipts signed and dated in the Office of the Chief, Information Review Staff, who responds to FOI requests. By so doing, the date on the return receipt would be consistent with the commencement of the countdown for answering the request.

2. We would appreciate confirmation from your office that you are agreeable to having these receipts forwarded together with correspondence to the Chief, Information Review Staff, for signature.

STAT

Deputy Executive Secretary

Distribution:
Orig - Addressee
1 - C/IRS
✓ - ER
1 - TBC Chrono

STAT O/ES [redacted] :pgh (12 Mar 75)

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MEMORANDUM FOR: C/IRS

Bob:

After our conversation, it seems to me that the attached presents the correct way to proceed.

STAT

Deputy Executive Secretary

03/12/75
(DATE)

FORM NO. 1 AUG 54 101 REPLACES FORM 10-101 WHICH MAY BE USED. (47)

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STAT

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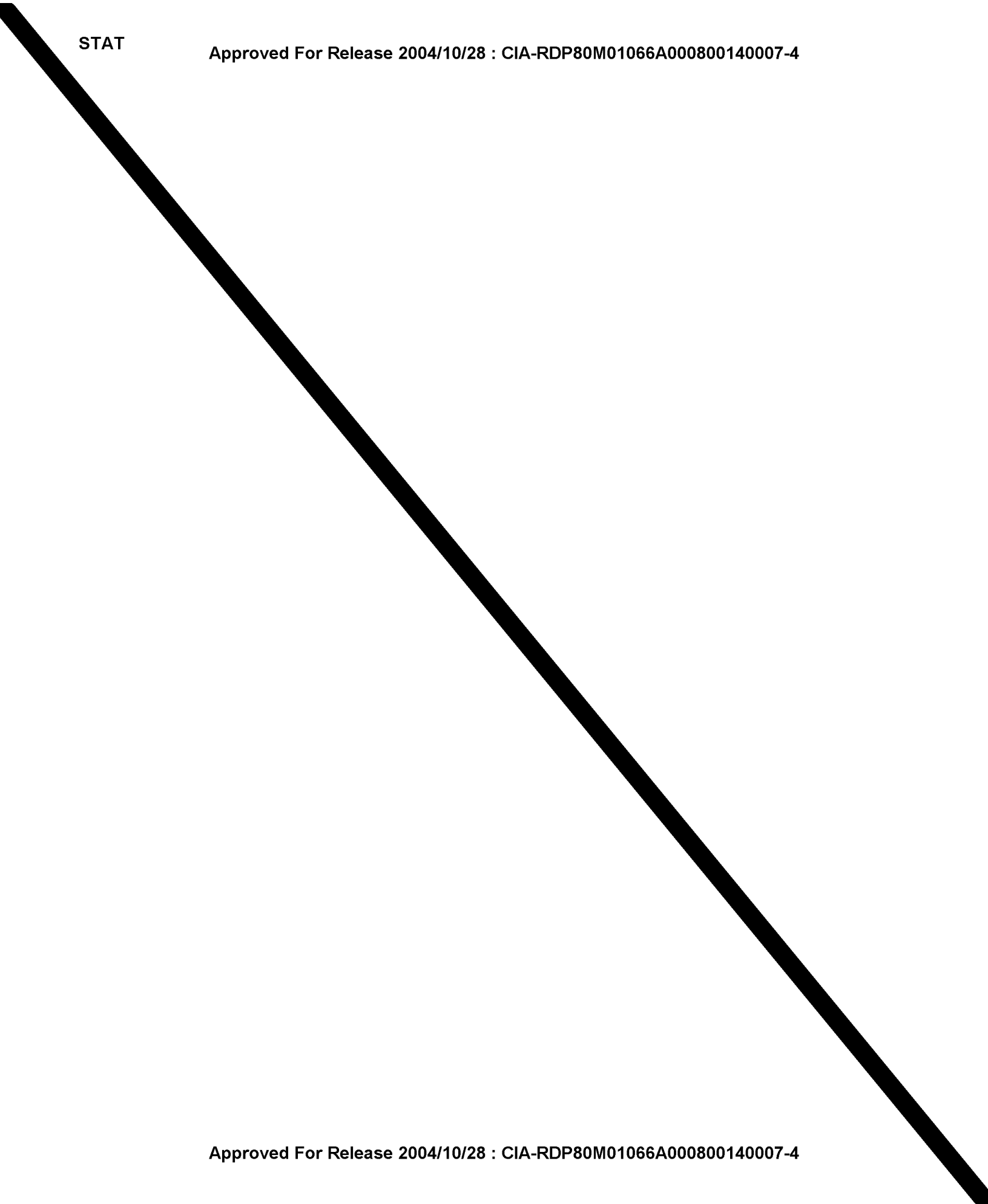

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Executive Registry
75-1280

This Notice is Current Until Rescinded

RECORDS AND CORRESPONDENCE [redacted] STAT

18 MAR 1975

RESPONSIBILITIES FOR FREEDOM OF INFORMATION MATTERS

1. I have designated the Deputy Director for Administration, Mr. John F. Blake, as the senior Agency official responsible to me for supervising the administration of the amended Freedom of Information Act (FOIA) within the Central Intelligence Agency. The General Counsel is responsible for providing legal advice on Freedom of Information Act matters. Mr. Blake also has been appointed Chairman of the Information Review Committee, the Agency's appeal body on matters pertaining to the Freedom of Information Act. In addition, I have approved the establishment of the Information Review Staff in the Office of the DDA.

2. Mr. Blake has appointed [redacted] as his Assistant for Information and, as such, is his senior representative for all matters pertaining to the FOIA. As Assistant for Information, [redacted] will be concerned with the entire process of the Agency's response to requests under the FOIA. He is responsible for ensuring that all directorates and operating components process FOIA requests in accordance with the provisions of the law and, additionally, are mindful of the time limitations established for responding to requests. He also will ensure the appropriate and timely consultation with members of the Office of General Counsel for needed legal advice. He will be supported in his activities by the Information Review Staff under the direction of [redacted] As stated in [redacted] the Information Review Staff is responsible for receiving and processing FOIA requests. Additionally, the staff maintains centralized FOIA records and provides technical guidance to Agency components on FOIA matters.

STAT STAT STAT STAT

/s/ W. E. Colby

W. E. Colby
Director

Distribution:
Orig - DCI (for return to RCB via DDA)-for printing
1 - Signing official
1 - ER
1 - DDCI
1 - RCB
1 - DD/A Subject
1 - DD/A Chrono

DISTRIBUTION: AB

(EVERY COPY FILE I-6)

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Approved For Release 2004/10/28 : CIA-RDP80M01066A000800140007-4

Executive Registry
75-974/2

The Speaker's Rooms
U.S. House of Representatives
Washington, D.C. 20515

March 6, 1975

The Honorable W. E. Colby
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Colby:

This acknowledges receipt of your letter of March 4, 1975 transmitting a report as required under the Freedom of Information Act during calendar year 1974.

Sincerely,

Carl Albert

The Speaker

CA/pm

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	UNCLASSIFIED		CONFIDENTIAL		SECRET

EXECUTIVE SECRETARIAT

Routing Slip

TO:			ACTION	INFO	DATE	INITIAL
	1	DCI				
	2	DDCI				
	3	S/MC				
	4	DDS&T				
	5	DDI		✓		
	6	DDM&S A				
	7	DDO				
	8	D/DCI/IC				
	9	D/DCI/NIO				
	10	OGC				
	11	OLC				
	12	IG				
	13	Compt				
	14	D/Pers				
	15	D/S				
	16	DTR				
	17	Asst/DCI				
	18	AO/DCI				
	19					
	20					
	21					
	22					
		SUSPENSE _____ Date				

Remarks:

STAT

D/E[illegible]tary

3/7/75
Date

3637 (3-74)

[illegible] I-6

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

E1- [illegible]

75-974/1

4 MAR 975

The Honorable Carl Albert
The Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Pursuant to the provisions of 5 U.S.C. 552(d), I am pleased to report the experience of this Agency with requests for information under the Freedom of Information Act during calendar year 1974.

Of four such requests received and subsequently denied as detailed in attachments hereto, all were carefully considered at the time of initial review. Only one denial was appealed to a higher level of the Agency. It was decided that three of the requests had to be denied because the documents requested were properly classified pursuant to Executive Order. One request was denied because it involved an internal memorandum containing advice and recommendations from the Inspector General of the Agency to the Director on administrative policy. No fees were charged for processing these requests. During this period denials of records were made in the name of the Assistant to the Director, Angus MacLean Thuermer.

Many public requests for CIA records during 1974 were for classified intelligence documents. Such requests were levied under the provisions of Executive Order 11652 rather than the Freedom of Information Act. We expect that in calendar year 1975 most such requests will cite the Freedom of Information Act rather than the Executive Order; indeed, that trend is already evident. Our Quarterly Reports on Executive Order 11652 activity covering 1974 have been made available to the Intergovernmental Relations Subcommittee of the Senate Government Operations Committee and copies are attached for your information. These attachments point out the volume handled and are indicative of the significant workload that has been involved. For example:

Requests Carried Over From CY 1973	23
Requests Received During CY 1974	193
Requests Granted in Full	97
Requests Granted in Part	62
Requests Denied in Full	14
Other (records nonexistent; insufficient particularity; invalid request; referred elsewhere)	20
Requests Pending 31 December 1974	23

(EXECUTIVE REGISTRY FILE I-6)

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Aside from requests for documents where the provisions of the Freedom of Information Act are clearly invoked, CIA responded to a large number of inquiries from libraries and individuals involving requests for unclassified documents, maps and other data which the Agency regularly releases through the Library of Congress, the Government Printing Office, and the National Technical Information Service, Department of Commerce. The Agency responded to over a thousand such inquiries during 1974.

Currently, new procedures responsive to the terms of the amended Act are being implemented. A copy of the newly revised Agency regulation on the handling of Freedom of Information Act requests is attached. We have attached in addition a copy of the Agency regulation as amended which was in effect in 1974.

It is important for you to be aware that as a result of the amendments to the Freedom of Information Act and the publicity that has accrued to the Agency in recent months, we have received so far in 1975 142 requests requiring processing under the Act. Some of these requests are extremely broad and all-encompassing and have required an inordinate commitment of manpower. Others, while more routine in nature, nonetheless involve the problems of classification, sources and methods protection, and privacy matters inherent in so much of our record material. All have required thorough, thoughtful and time-consuming review. While we have taken steps to organize ourselves in the best manner possible to comply with the new requirements, I remain seriously concerned that the situation resulting from the amended law may well interfere with the work of the Agency to a degree unanticipated by Congress. I would appreciate the opportunity to address myself to this problem more specifically after we have had some additional experience with implementation of the amendments.

Sincerely,

/s/ W. E. Colby

W. E. Colby
Director

Attachments

STAT IRS [redacted]dc (28 Feb 75)
Rewritten (per DCI request) AC-DDA [redacted]ydc (3 Mar 75) STAT
Distribution:
Original - Addressee
1 - DCI w/Atts
1 - DDCI w/Atts
1 - ER w/Atts
1 - OGC w/Atts
1 - OLC w/Atts
1 - DDA Subject w/Atts
1 - DDA Chrono w/o Atts
1 - IRS Subject
1 - IRS Chrono

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Next 37 Page(s) In Document Exempt

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CHAPTER XIX—CENTRAL INTELLIGENCE AGENCY

PART 1900—PUBLIC ACCESS TO DOCUMENTS AND RECORDS AND DECLASSIFICATION REQUESTS

Part 1900 of Title 32 of the Code of Federal Regulations is revised to read as follows:

GENERAL

Sec.
1900.1 Purpose and Authority.
1900.3 Definitions.
1900.5 Organization: Requests and Submittals.

REQUESTING RECORDS

1900.11 Freedom of Information Communications: Requirements as to Form.
1900.21 Option to Request Records.
1900.23 Pre-Request Option: Estimates of Charges.
1900.25 Fees for Records Services.

PROCESSING FREEDOM OF INFORMATION COMMUNICATIONS

Sec.
1900.31 Screening Communications.
1900.33 Processing Expressions of Interest.
1900.35 Processing Requests for Records.

ACTIONS ON REQUESTS

1900.41 Searching for Requested Records.
1900.43 Reviewing Records.
1900.45 Expeditious Action: Extension of Time.
1900.47 Allocation of Manpower and Resources: Agreed Extension of Time.
1900.49 Notification and Payment: Furnishing Records.

APPEALS

1900.51 Appeal to CIA Information Review Committee.
1900.53 Appeal to Interagency Classification Review Committee.

MISCELLANEOUS

1900.61 Access for Historical Research.
1900.63 Suggestions and Complaints.

AUTHORITY: National Security Act of 1947, the Central Intelligence Agency Act of 1949, the Freedom of Information Act (5 U.S.C. 552), and Executive Order 11652.

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GENERAL

§ 1900.1 Purpose and authority.

This part is issued under the authority of, and in order to implement, section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 11652, as amended (3 CFR Revised as of January 1, 1974, p. 339) and the Freedom of Information Act, as amended (5 U.S.C. 552). It prescribes procedures for:

(a) Requesting records pursuant to the Freedom of Information Act;

(b) Requesting the declassification of documents pursuant to Executive Order 11652;

(c) Appealing any denial or refusal of any such request to an appeal authority with the Central Intelligence Agency, to the Interagency Classification Review Committee, in appropriate cases, and to the courts;

(d) The prompt and expeditious processing of such requests and appeals; and

(e) Requesting estimates and advice prior to actually requesting records, thus affording protection against unanticipated fees.

This part is also designed to assist Central Intelligence Agency management at all appropriate echelons, to allocate resources to perform the functions, duties and responsibilities of the Central Intelligence Agency prescribed by and pursuant to law, including in particular those situations where it is deemed necessary to choose among conflicting requirements, duties and responsibilities.

§ 1900.3 Definitions.

For the purpose of this part, the following terms have the meanings indicated:

(a) "Agency" includes any executive department, military department or other establishment or entity included in the definition of agency in subsection 552(e) of Title 5 of the United States Code;

(b) "Coordinator" means the Central Intelligence Agency Freedom of Information Coordinator;

(c) "Expression of interest" means a written communication submitted by a potential requester pursuant to § 1900.23 to indicate an interest in requesting records;

(d) "Freedom of Information Act" means section 552 of Title 5 of the United States Code, as amended;

(e) "National Security Council Directive of May 1972" means the directive entitled "National Security Council Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information" approved on May 17, 1972 and published at page 227 of Title 3A (The President, Appendix (1972 Compilation)) of the Code of Federal Regulations;

(f) "Potential requester" means a person, organization or other entity who submits an expression of interest in accordance with § 1900.23;

(g) "Records," with reference to records of the Central Intelligence Agency, includes all papers, maps, photographs and other documentary materials regardless of physical form or characteristics made or received by the Central Intelligence Agency in pursuance of federal law or in connection with the transaction of public business and appropriate for preservation by the Central Intelligence Agency as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Agency or because of the informational value of data contained therein. But the term does not include:

(1) Index, filing and museum documents made or acquired and preserved solely for reference, indexing, filing or exhibition purposes;

(2) Routing and transmittal sheets and notes and filing instructions and notes which do not also include information, comment or statement of substance or policy;

(3) Books, newspapers, magazines, and similar publications and clippings and excerpts from any such publications;

(4) Documents and records prepared or originated by an agency other than the Central Intelligence Agency;

(5) Documents and records furnished by foreign governments or international organizations and held by the Central Intelligence Agency on the understanding that the information therein or the furnishing thereof be kept in confidence.

(h) "Records of interest" means records which are the subject of an expression of interest or of a request;

(i) "Work days" means calendar days other than Saturdays and Sundays and legal public holidays.

§ 1900.5 Organization: requests and submittals.

The headquarters of the Central Intelligence Agency is located in Fairfax County, Va. Functions are channeled and determined by regular chain-of-command procedures. Except as provided by this part, there are no formal or informal procedural requirements regarding public access to Agency records. Requests and other submittals may be addressed to the CIA Freedom of Information Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

REQUESTING RECORDS

§ 1900.11 Freedom of information communications; requirements as to form.

(a) Any communication to the Central Intelligence Agency or to the Director of Central Intelligence under the Freedom of Information Act should be addressed to:

CIA Freedom of Information Coordinator,
Central Intelligence Agency,
Washington, D.C. 20505.

That address should appear on the envelope or other folder or package in which the communication is transmitted. It should also be included as the addressee of the letter or other communication or be clearly set forth in the text of the communication.

(b) Any request for records under the Freedom of Information Act (§ 1900.21), expression of interest in requesting records (§ 1900.23) or request for declassification of records under Executive Order 11652 shall be in writing and shall be addressed as prescribed by paragraph (a). The Coordinator may, but need not, waive the requirements as to address.

(c) The request or expression of interest shall reasonably describe the records of interest.

(d) Any request or communication to an agency other than the Central Intelligence Agency which requests or concerns documents or records originated by the Central Intelligence Agency and is transferred by that agency to the Central Intelligence Agency shall not be a Freedom of Information Request to the Central Intelligence Agency. But the person or entity who submitted the request to that agency may submit a request for such records to the Central Intelligence Agency in accordance with the procedures prescribed by § 1900.11.

§ 1900.21 Option to request records.

Any person, organization or entity may submit a written request for records to the Coordinator, in accordance with the procedures prescribed by § 1900.11. An estimate of charges likely to be incurred may be obtained by requesting such an estimate as provided by § 1900.23.

§ 1900.23 Pre-request option: estimates of charges.

(a) In order to avoid being faced with unanticipated sizeable charges, interested persons and entities may defer the submission of requests for records and first submit a written request, in accordance with the procedures prescribed by § 1900.11, for an estimate of charges likely to be incurred if the records are requested.

(b) Notice is hereby given that a requester may be liable for the payment of search charges, in accordance with the

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fee schedule and provisions of § 1900.25, even if search for requested records locates no such records and even if some or all of requested records which are located are denied the requester under one or more exemptions of the Freedom of Information Act. In determining which of options §§ 1900.21 and 1900.23(a) to exercise, interested persons and entities are urged to take into consideration the fact of possible liability.

§ 1900.25 Fees for records services.

(a) Search and duplication fees shall be charged according to the schedule set out in paragraph (c) of this section for services rendered in responding to requests for Agency records under this part. Records shall be furnished without charge or at a reduced rate whenever the Coordinator determines that waiver or reduction of the charge is in the public interest because furnishing the information can be considered as primarily benefiting the general public. The Coordinator also may waive or reduce the charge whenever he determines that the interest of the government would be served thereby. Fees shall not be charged where they would amount, in the aggregate, for a request, or a series of related requests, to less than $4.

(b) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or of such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with the Coordinator in an attempt to revise the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the Agency until a reply is received from the requester.

(c) The schedule of fees for services performed in responding to requests for Agency records is established as follows:

(1) For each one quarter hour spent by clerical personnel in searching for a record, $1;

(2) For each one quarter hour spent by professional personnel in searching for a record, $2;

(3) For computer search, $55;

(4) For copies of paper documents in sizes not larger than 8½ x 14 inches, $0.10 per copy of each page; and

(5) For duplication of non-paper media or any document that cannot be reproduced on a standard office copier actual direct cost.

PROCESSING FREEDOM OF INFORMATION COMMUNICATIONS

§ 1900.31 Screening communications.

(a) If any Agency employee receives a written communication which the employee deems to be an apparent or intended communication under the Freedom of Information Act, he shall expeditiously transmit the communication to the Coordinator and alert the Coordinator to the fact that the communication may be a communication under the Freedom of Information Act.

(b) Upon receipt of a communication in accordance with § 1900.11 or paragraph (a) of this section, the Coordinator shall promptly consult with such Agency components as he may deem appropriate and:

(1) Determine the nature of the communication—an intended expression of interest (§ 1900.21), an intended request (§ 1900.23) or other; and

(2) If he determines the communication to be an intended expression of interest or intended request, he shall further determine whether it fails to qualify as an expression of interest or request only because it fails to reasonably describe the records of interest.

(c) The Coordinator thereupon shall take the appropriate one of the following actions.

(1) If he determined that the communication was not an intended expression of interest or an intended request, he shall take such action with respect to the communication as he may deem appropriate.

(2) If he determined that the communication was an intended expression of interest or an intended request but failed to reasonably describe the records of interest, he shall so inform the originator of the communication promptly, in writing, and he may offer to assist the originator in revising and perfecting the description of the records of interest.

(3) The Coordinator shall determine whether any communication not acted on under subparagraph (1) or (2) is an expression of interest, or is a request made in accordance with published rules stating the procedures to be followed, as required by subsection (a)(3) of the Freedom of Information Act. The Coordinator's determination in this regard shall be based on and shall reflect the clear intent of the originator of the communication insofar as the Coordinator is able to determine that intent. When the originator's intent is not apparent to the Coordinator and when the Coordinator deems it desirable and feasible, he shall promptly communicate with the originator in order to ascertain the latter's intent.

(d) The Coordinator shall inform the requester, in writing, of his determination made under subparagraph (c)(3) and, in the case of a determination that the communication is a request, of the date of such determination. Such notification shall be given promptly and, in any case, within five work days of the date of such determination. The ten work days within which the Agency must determine whether to comply with a request, as provided by subsection (a)(6)(A)(i) of the Freedom of Information Act, shall begin as of the date of such determination.

(e) The Coordinator shall promptly process under the procedures prescribed by § 1900.33 those communications which he determines to be expressions of interest. He shall promptly process under the procedures prescribed by § 1900.35 those communications which he determines to be requests.

§ 1900.33 Processing expressions of interest.

(a) Upon determining, in accordance with subparagraph (c)(3) of § 1900.31, that a communication is an expression of interest, and after promptly consulting with such Agency components as he may deem appropriate, the Coordinator, to the extent feasible, shall determine the search and duplication charges likely to be incurred by the potential requester if the potential requester ultimately requests such records. In determining such charges, the Coordinator shall take into account the nature and quantity of the work and services of people and computers and other equipment which may be required, and the applicable rates set out in the fee schedule prescribed by paragraph (c) of § 1900.25. If feasible at this stage, the Coordinator also shall determine whether to waive or reduce the fee in accordance with paragraph (a) of § 1900.25.

(b) The Coordinator thereupon shall advise the potential requester, in writing, of the likely search and duplication charges. He shall explain the bases and reasons for the charges and he shall make clear that the amounts indicated are estimates only, if such be the case, and, if there is a possibility that the charges to be incurred may be in larger amounts, he shall so inform the potential requester. If the amounts indicated are not estimates but are the amounts which in fact are to be charged if the potential requester makes a request, he shall inform the potential requester of that fact. In either event and if such be the case, he shall also inform the potential requester that search charges will be levied upon the requester even if no records fitting the description are located or if any or all records which do fit the description are denied the requester.

(c) When he deems it appropriate or when the potential requester so requests, the Coordinator shall consult with and advise the potential requester with the view to assisting the latter to determine whether and, if so, how to revise the description of the records of interest so as to cause or permit a reduction in the likely and actual search and duplication charges.

(d) Upon receipt of such estimate and advice concerning likely charges, the potential requester may:

(1) In accordance with § 1900.21, submit a request for records, either the records of interest indicated in his expression of interest or records encompassed in a less-inclusive description;

(2) Advise the Coordinator that he does not intend to request records; or

(3) Take no additional action.

(e) If, as a result of his consultations with the Coordinator or otherwise, the potential requester wants to request records additional to or other than those described in his expression of interest, he may submit an expression of interest

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with respect to such records, in accordance with § 1900.23, or a request for such records, in accordance with § 1900.21.

§ 1900.35 Processing requests for records.

Upon determining that a communication is a request for records, the Coordinator, after consulting with such Agency components as he may deem appropriate, shall promptly transmit a copy of the request to the component or components believed responsible for the records, if any exist, inform the components of the date of receipt of the request as determined by him pursuant to paragraph (c)(3) of § 1900.31, and alert the components to the action required of them by § 1900.41 through § 1900.47 with respect to the request.

ACTIONS ON REQUESTS

§ 1900.41 Searching for requested records.

(a) Upon receipt of a copy of a request and an alert pursuant to § 1900.35, the components responsible for requested records (hereinafter the "responsible components"), shall, with such assistance as may be appropriate from the Coordinator and from such reference, indexing or filing components as may have reference, indexing or filing responsibilities with respect to any such records, undertake to locate the requested records.

(b) If no records described by the request are located, the responsible components shall so inform the Coordinator who shall promptly so inform the requester, in writing. The Coordinator also shall determine the charges, if any, for which the requester shall be liable, in accordance with the fee schedule and provisions of § 1900.25. He shall inform the requester of the amount charged, explain the basis of computation and request prompt payment thereof.

§ 1900.43 Reviewing records.

(a) The responsible components shall review any located records in accordance with the provisions of the Freedom of Information Act and Executive Order 11652, and on the basis of other applicable law, regulations and policy, and determine which, if any, requested records, or reasonably segregable portions of records, are to be furnished the requester and which are to be denied or withheld. Any decision to furnish or to deny or withhold requested records shall be made only by employees and officials to whom authority to make such decisions has been duly delegated.

(b) In the event records require review by more than one Agency component or by more than one agency, the Coordinator or the responsible component, as may be appropirate, shall expeditiously coordinate such review.

§ 1900.45 Expeditious action: extension of time.

Whenever feasible under the standards prescribed by § 1900.47, the search and review functions prescribed by §§ 1900.41 and 1900.43 and notice to the requester of the Agency action on the request, as prescribed by paragraph (a) of § 1900.49, shall be completed within ten days of the date of Agency receipt of the request as determined by the Coordinator pursuant to subparagraph (c)(3) or § 1900.31. Whenever the Coordinator determines that "unusual circumstances," as defined by subsection (a)(6)(B) of the Freedom of Information Act, exist, he may, by written notice to the requester, authorize an additional period for completion of Agency action, but no such extension shall be for more than ten work days. His notice shall also set forth the reasons for the extension.

§ 1900.47 Allocation of manpower and resources: agreed extension of time.

(a) Agency components shall devote such manpower and other resources to searching for, locating and reviewing records in accordance with §§ 1900.41 and 1900.43 as may be appropriate and expedient in the circumstances, taking into account:

(1) The manpower and resources available for those purposes;

(2) The right of the requester to resort to litigation if the Agency decision on the request is not made within ten work days; and

(3) All functions, duties and responsibilities assigned to those components by, or pursuant to, law.

(b) The responsible components shall consult with the Coordinator with regard to the need to allocate resources and establish priorities, and the latter with the requester, as may be appropriate, in order to accomplish such arrangements and agreements with the requester as may be acceptable to the requester concerning the Agency's efforts and ability to act on his request expeditiously. In particular, when the Coordinator deems it feasible and of possible benefit to the requester, the public or the Agency, he shall inform the requester that more thorough or extensive search or review, or both, could be accomplished, which might be of benefit to the requester, if additional time were to be available. When appropriate in such cases, the Coordinator shall also advise the requester of the effect on charges and fees such additional search might cause. Any extensions arranged or agreed to under this section may be in addition to any extension under § 1900.45.

§ 1900.49 Notification and payment: furnishing records.

(a) The Coordinator shall promptly inform the requester, in writing, which of the requested records, or portions thereof, if any, are to be furnished the requester and those, if any, which are denied, as determined pursuant to paragraph (a) of § 1900.43. With respect to the latter, he shall also explain the reasons for the denial and he shall furnish the names and titles or positions of the persons responsible for the decision to deny access.

(b) Upon receipt of payment of all fees and charges, or upon the completion of arrangement satisfactory to the Coordinator that payment will be made promptly, the Coordinator shall promptly prepare copies of the records, or portions of records, which are to be made available and transmit them to the requester. The Coordinator shall do likewise with respect to any records or portions of records made available to a requester by the action of the Central Intelligence Agency Information Review Committee under subparagraph (i) or (ii) of paragraph (e) of § 1900.51.

APPEALS

§ 1900.51 Appeal to CIA Information Review Committee.

(a) *Establishment of committee.* The Central Intelligence Agency Information Review Committee is established hereby, pursuant to the Freedom of Information Act and section 7(B)(2) of Executive Order 11652. The Committee shall be comprised of the Deputy Director for Administration, the Deputy Director for Intelligence, the Deputy Director for Operations, the Deputy Director for Science and Technology, the Deputy to the Director of Central Intelligence for the Intelligence Community and the Deputy to the Director of Central Intelligence for National Intelligence Officers. The Director of Central Intelligence shall appoint a chairman. The Committee, by majority vote, may delegate to one or more of its members the authority to act on any appeal or appeals under this section, and may authorize the chairman to delegate such authority.

(b) *Right of appeal: notice.* Whenever any requested record or any portion thereof is denied a requester, the requester may appeal the denial to the Committee and the Coordinator shall inform the requester of this right, in writing. Also, any requester for the declassification of classified documents under Executive Order 11652 who is not informed of Agency action thereon within sixty days of his request may request the Committee to declassify the documents and make them available.

(c) *Appeal procedures.* Any such appeal or request to the Committee shall be in writing, addressed to the CIA Freedom of Information Coordinator. The appeal or request may present such information, data and argument in support thereof as the requester may desire. The Committee shall not permit a requester to appear before the Committee or to make an oral presentation.

(d) *Time for appeal: expiration of right of appeal.* An appeal shall be submitted within thirty days of the date of receipt of notification of the right to appeal and the right of appeal shall cease as of the expiration of that period. But the Committee, for good cause shown, may permit an additional thirty days for the submission of an appeal.

(e) *Committee action on appeals and requests.* (1) The Committee shall promptly consider any appeal, together with any submissions in support thereof, and shall grant or deny the appeal or take such other action thereon as it may deem appropriate. The Committee's review, decision and action shall be based on and shall be in conformance

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with the Freedom of Information Act, Executive Order 11652 and other applicable law, directives, regulations and policy.

(2) The Committee shall promptly consider any requests for declassification under paragraph (a) of this section and shall declassify any such records or reasonably segregable portions of such records as it deems appropriate in accordance with Executive Order 11652.

(3) Committee action on appeals shall be completed within twenty work days of receipt of the appeal, except that the Committee may, in accordance with the provisions of § 1900.45, avail itself of an additional period of time for completion of its work on the appeal. But no such extension shall be available with respect to an appeal of a denial of a request which was the subject of an extension of time for Agency action by the Coordinator under that paragraph. In the event the Committee is unable to complete its review of an appeal within the time prescribed by the two preceding sentences it may, by agreement with the requester, extend the period for completion of such review.

(4) The Committee shall promptly inform the requester of its decisions and, with respect to any decision to withhold or deny records, it shall furnish the names and titles or positions of the persons responsible for the decision. If any record or portion thereof is denied the requester by the Committee's action, the Committee shall also inform the requester of the provision for judicial review of that determination under subsection (a)(4) of the Freedom of Information Act.

§ 1900.53 Appeal to Interagency Classification Review Committee.

In the case of any refusal to declassify records which are at least ten years old, the Committee also shall inform the requester of his right to appeal that denial to the Interagency Classification Review Committee established pursuant to section 7(A) of Executive Order 11652, as provided by section IX(D) of the National Security Council Directive of May 1972. In that event, the Committee shall also inform the requester that appeal to the Interagency Classification Review Committee shall not waive his right to judicial review as provided by subsection (a)(4) of the Act.

MISCELLANEOUS

§ 1900.61 Access for historical research.

(a) Any person engaged in a historical research project may submit a request, in writing, to the Coordinator to be given access to information classified pursuant to an Executive order for purposes of that research project may submit a request, the nature, purpose and scope of the research project.

(b) The Coordinator may authorize access, under such conditions and at such time and place as he may deem feasible. But the Coordinator shall authorize access only with respect to documents and records prepared or originated not less than ten years prior to the date of such request and only upon the prior written approval by the Agency Director of Security of a current security clearance of the requester and of persons associated with him in the project, in accordance with Executive Order 10450, and upon the Coordinator's further determination that:

(1) A serious professional or scholarly research project is contemplated;

(2) Such access is clearly consistent with the interests of national security;

(3) Appropriate steps have been taken to assure that classified information will not be published or otherwise compromised;

(4) The information requested is reasonably accessible and can be located and compiled with a reasonable amount of effort;

(5) The historical researcher agrees to safeguard the information in a manner consistent with Executive Order 11652 and the National Security Council Directive of May 1972; and

(6) The historical researcher agrees to authorize a prior review of his notes and manuscript by the Agency for the sole purpose of determining that no classified information is contained therein.

(c) An authorization shall be valid for the period required for the research project, as the Coordinator may determine, but in no event for more than two years. But upon renewed request in accordance with paragraph (a) of this section, authorization may be renewed in accordance with paragraph (b) and this paragraph.

(d) The Coordinator shall cancel any authorization whenever the Director of Security cancels the security clearance of the requester or of any person associated with the requester in the research project or whenever the Coordinator determines that continued access would not be in compliance with one or more of the requirements of paragraph (b) of this section.

§ 1900.63 Suggestions and complaints.

Any person may direct any suggestion or complaint with respect to the Agency administration of Executive Order 11652 to the CIA Information Review Committee. The Committee shall consider such suggestions and complaints and shall take such action thereon as it may deem feasible and appropriate.

This regulation shall become effective on February 19, 1975.

JOHN F. BLAKE,
Deputy Director for Administration, Central Intelligence Agency.

FEBRUARY 11, 1975.

[FR Doc.75-4254 Filed 2-18-75;8:45 am]

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

75 9774

Honorable Nelson A. Rockefeller
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

Pursuant to the provisions of 5 U.S.C. 552(d), I am pleased to report the experience of this Agency with requests for information under the Freedom of Information Act during calendar year 1974.

Of four such requests received and subsequently denied as detailed in attachments hereto, all were carefully considered at the time of initial review. Only one denial was appealed to a higher level of the Agency. It was decided that three of the requests had to be denied because the documents requested were properly classified pursuant to Executive Order. One request was denied because it involved an internal memorandum containing advice and recommendations from the Inspector General of the Agency to the Director on administrative policy. No fees were charged for processing these requests. During this period denials of records were made in the name of the Assistant to the Director, Angus MacLean Thuermer.

Many public requests for CIA records during 1974 were for classified intelligence documents. Such requests were levied under the provisions of Executive Order 11652 rather than the Freedom of Information Act. We expect that in calendar year 1975 most such requests will cite the Freedom of Information Act rather than the Executive Order; indeed, that trend is already evident. Our Quarterly Reports on Executive Order 11652 activity covering 1974 have been made available to the Intergovernmental Relations Subcommittee of the Senate Government Operations Committee and copies are attached for your information. These attachments point out the volume handled and are indicative of the significant workload that has been involved. For example:

Requests Carried Over From CY 1973	23
Requests Received During CY 1974	193
Requests Granted in Full	97
Requests Granted in Part	62
Requests Denied in Full	14
Other (records nonexistent; insufficient particularity; invalid request; referred elsewhere)	20
Requests Pending 31 December 1974	23

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Aside from requests for documents where the provisions of the Freedom of Information Act are clearly invoked, CIA responded to a large number of inquiries from libraries and individuals involving requests for unclassified documents, maps and other data which the Agency regularly releases through the Library of Congress, the Government Printing Office, and the National Technical Information Service, Department of Commerce. The Agency responded to over a thousand such inquiries during 1974.

Currently, new procedures responsive to the terms of the amended Act are being implemented. A copy of the newly revised Agency regulation on the handling of Freedom of Information Act requests is attached. We have attached in addition a copy of the Agency regulation as amended which was in effect in 1974.

It is important for you to be aware that as a result of the amendments to the Freedom of Information Act and the publicity that has accrued to the Agency in recent months, we have received so far in 1975 142 requests requiring processing under the Act. Some of these requests are extremely broad and all-encompassing and have required an inordinate commitment of manpower. Others, while more routine in nature, nonetheless involve the problems of classification, sources and methods protection, and privacy matters inherent in so much of our record material. All have required thorough, thoughtful and time-consuming review. While we have taken steps to organize ourselves in the best manner possible to comply with the new requirements, I remain seriously concerned that the situation resulting from the amended law may well interfere with the work of the Agency to a degree unanticipated by Congress. I would appreciate the opportunity to address myself to this problem more specifically after we have had some additional experience with implementation of the amendments.

Sincerely,

/s/ W. E. Colby

W. E. Colby
Director

Attachments

STAT IRS: [redacted] ydc (28 Feb 75)
Rewritten (per DCI request) AC-DDA [redacted] ydc (3 Mar 75) STAT
Distribution:
Original - Addressee
1 - DCI w/Atts
1 - DDCI w/Atts
1 - ER w/Atts
1 - OGC w/Atts
1 - OLC w/Atts
1 - DDA Subject w/Atts
1 - DDA Chrono w/o Atts
1 - IRS Subject
1 - IRS Chrono

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CHAPTER XIX—CENTRAL INTELLIGENCE AGENCY

PART 1900—PUBLIC ACCESS TO DOCUMENTS AND RECORDS AND DECLASSIFICATION REQUESTS

Part 1900 of Title 32 of the Code of Federal Regulations is revised to read as follows:

GENERAL

Sec.
1900.1 Purpose and Authority.
1900.3 Definitions.
1900.5 Organization: Requests and Submittals.

REQUESTING RECORDS

1900.11 Freedom of Information Communications: Requirements as to Form.
1900.21 Option to Request Records.
1900.23 Pre-Request Option: Estimates of Charges.
1900.25 Fees for Records Services.

PROCESSING FREEDOM OF INFORMATION COMMUNICATIONS

Sec.
1900.31 Screening Communications.
1900.33 Processing Expressions of Interest.
1900.35 Processing Requests for Records.

ACTIONS ON REQUESTS

1900.41 Searching for Requested Records.
1900.43 Reviewing Records.
1900.45 Expeditious Action: Extension of Time.
1900.47 Allocation of Manpower and Resources: Agreed Extension of Time.
1900.49 Notification and Payment: Furnishing Records.

APPEALS

1900.51 Appeal to CIA Information Review Committee.
1900.53 Appeal to Interagency Classification Review Committee.

MISCELLANEOUS

1900.61 Access for Historical Research.
1900.63 Suggestions and Complaints.

AUTHORITY: National Security Act of 1947, the Central Intelligence Agency Act of 1949, the Freedom of Information Act (5 U.S.C. 552), and Executive Order 11652.

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GENERAL

§ 1900.1 Purpose and authority.

This part is issued under the authority of, and in order to implement, section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 11652, as amended (3 CFR Revised as of January 1, 1974, p. 339) and the Freedom of Information Act, as amended (5 U.S.C. 552). It prescribes procedures for:

(a) Requesting records pursuant to the Freedom of Information Act;

(b) Requesting the declassification of documents pursuant to Executive Order 11652;

(c) Appealing any denial or refusal of any such request to an appeal authority with the Central Intelligence Agency, to the Interagency Classification Review Committee, in appropriate cases, and to the courts;

(d) The prompt and expeditious processing of such requests and appeals; and

(e) Requesting estimates and advice prior to actually requesting records, thus affording protection against unanticipated fees.

This part is also designed to assist Central Intelligence Agency management at all appropriate echelons, to allocate resources to perform the functions, duties and responsibilities of the Central Intelligence Agency prescribed by and pursuant to law, including in particular those situations where it is deemed necessary to choose among conflicting requirements, duties and responsibilities.

§ 1900.3 Definitions.

For the purpose of this part, the following terms have the meanings indicated:

(a) "Agency" includes any executive department, military department or other establishment or entity included in the definition of agency in subsection 552(e) of Title 5 of the United States Code;

(b) "Coordinator" means the Central Intelligence Agency Freedom of Information Coordinator;

(c) "Expression of interest" means a written communication submitted by a potential requester pursuant to § 1900.23 to indicate an interest in requesting records;

(d) "Freedom of Information Act" means section 552 of Title 5 of the United States Code, as amended;

(e) "National Security Council Directive of May 1972" means the directive entitled "National Security Council Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information" approved on May 17, 1972 and published at page 227 of Title 3A (The President, Appendix (1972 Compilation)) of the Code of Federal Regulations;

(f) "Potential requester" means a person, organization or other entity who submits an expression of interest in accordance with § 1900.23;

(g) "Records," with reference to records of the Central Intelligence Agency, includes all papers, maps, photographs and other documentary materials regardless of physical form or characteristics made or received by the Central Intelligence Agency in pursuance of federal law or in connection with the transaction of public business and appropriate for preservation by the Central Intelligence Agency as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Agency or because of the informational value of data contained therein. But the term does not include:

(1) Index, filing and museum documents made or acquired and preserved solely for reference, indexing, filing or exhibition purposes;

(2) Routing and transmittal sheets and notes and filing instructions and notes which do not also include information, comment or statement of substance or policy;

(3) Books, newspapers, magazines, and similar publications and clippings and excerpts from any such publications;

(4) Documents and records prepared or originated by an agency other than the Central Intelligence Agency;

(5) Documents and records furnished by foreign governments or international organizations and held by the Central Intelligence Agency on the understanding that the information therein or the furnishing thereof be kept in confidence.

(h) "Records of interest" means records which are the subject of an expression of interest or of a request;

(i) "Work days" means calendar days other than Saturdays and Sundays and legal public holidays.

§ 1900.5 Organization: requests and submittals.

The headquarters of the Central Intelligence Agency is located in Fairfax County, Va. Functions are channeled and determined by regular chain-of-command procedures. Except as provided by this part, there are no formal or informal procedural requirements regarding public access to Agency records. Requests and other submittals may be addressed to the CIA Freedom of Information Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

REQUESTING RECORDS

§ 1900.11 Freedom of information communications; requirements as to form.

(a) Any communication to the Central Intelligence Agency or to the Director of Central Intelligence under the Freedom of Information Act should be addressed to:

CIA Freedom of Information Coordinator,
Central Intelligence Agency,
Washington, D.C. 20505.

That address should appear on the envelope or other folder or package in which the communication is transmitted. It should also be included as the addressee of the letter or other communication or be clearly set forth in the text of the communication.

(b) Any request for records under the Freedom of Information Act (§ 1900.21), expression of interest in requesting records (§ 1900.23) or request for declassification of records under Executive Order 11652 shall be in writing and shall be addressed as prescribed by paragraph (a). The Coordinator may, but need not, waive the requirements as to address.

(c) The request or expression of interest shall reasonably describe the records of interest.

(d) Any request or communication to an agency other than the Central Intelligence Agency which requests or concerns documents or records originated by the Central Intelligence Agency and is transferred by that agency to the Central Intelligence Agency shall not be a Freedom of Information Request to the Central Intelligence Agency. But the person or entity who submitted the request to that agency may submit a request for such records to the Central Intelligence Agency in accordance with the procedures prescribed by § 1900.11.

§ 1900.21 Option to request records.

Any person, organization or entity may submit a written request for records to the Coordinator, in accordance with the procedures prescribed by § 1900.11. An estimate of charges likely to be incurred may be obtained by requesting such an estimate as provided by § 1900.23.

§ 1900.23 Pre-request option: estimates of charges.

(a) In order to avoid being faced with unanticipated sizeable charges, interested persons and entities may defer the submission of requests for records and first submit a written request, in accordance with the procedures prescribed by § 1900.11, for an estimate of charges likely to be incurred if the records are requested.

(b) Notice is hereby given that a requester may be liable for the payment of search charges, in accordance with the

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fee schedule and provisions of § 1900.25, even if search for requested records locates no such records and even if some or all of requested records which are located are denied the requester under one or more exemptions of the Freedom of Information Act. In determining which of options §§ 1900.21 and 1900.23(a) to exercise, interested persons and entities are urged to take into consideration the fact of possible liability.

§ 1900.25 Fees for records services.

(a) Search and duplication fees shall be charged according to the schedule set out in paragraph (c) of this section for services rendered in responding to requests for Agency records under this part. Records shall be furnished without charge or at a reduced rate whenever the Coordinator determines that waiver or reduction of the charge is in the public interest because furnishing the information can be considered as primarily benefiting the general public. The Coordinator also may waive or reduce the charge whenever he determines that the interest of the government would be served thereby. Fees shall not be charged where they would amount, in the aggregate, for a request, or a series of related requests, to less than $4.

(b) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or of such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with the Coordinator in an attempt to revise the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall suspend the running of the period for response by the Agency until a reply is received from the requester.

(c) The schedule of fees for services performed in responding to requests for Agency records is established as follows:

(1) For each one quarter hour spent by clerical personnel in searching for a record, $1;

(2) For each one quarter hour spent by professional personnel in searching for a record, $2;

(3) For computer search, $55;

(4) For copies of paper documents in sizes not larger than 8½ x 14 inches, $0.10 per copy of each page; and

(5) For duplication of non-paper media or any document that cannot be reproduced on a standard office copier actual direct cost.

PROCESSING FREEDOM OF INFORMATION COMMUNICATIONS

§ 1900.31 Screening communications.

(a) If any Agency employee receives a written communication which the employee deems to be an apparent or intended communication under the Freedom of Information Act, he shall expeditiously transmit the communication to the Coordinator and alert the Coordinator to the fact that the communication may be a communication under the Freedom of Information Act.

(b) Upon receipt of a communication in accordance with § 1900.11 or paragraph (a) of this section, the Coordinator shall promptly consult with such Agency components as he may deem appropriate and:

(1) Determine the nature of the communication—an intended expression of interest (§ 1900.21), an intended request (§ 1900.23) or other; and

(2) If he determines the communication to be an intended expression of interest or intended request, he shall further determine whether it fails to qualify as an expression of interest or request only because it fails to reasonably describe the records of interest.

(c) The Coordinator thereupon shall take the appropriate one of the following actions.

(1) If he determined that the communication was not an intended expression of interest or an intended request, he shall take such action with respect to the communication as he may deem appropriate.

(2) If he determined that the communication was an intended expression of interest or an intended request but failed to reasonably describe the records of interest, he shall so inform the originator of the communication promptly, in writing, and he may offer to assist the originator in revising and perfecting the description of the records of interest.

(3) The Coordinator shall determine whether any communication not acted on under subparagraph (1) or (2) is an expression of interest, or is a request made in accordance with published rules stating the procedures to be followed, as required by subsection (a)(3) of the Freedom of Information Act. The Coordinator's determination in this regard shall be based on and shall reflect the clear intent of the originator of the communication insofar as the Coordinator is able to determine that intent. When the originator's intent is not apparent to the Coordinator and when the Coordinator deems it desirable and feasible, he shall promptly communicate with the originator in order to ascertain the latter's intent.

(d) The Coordinator shall inform the requester, in writing, of his determination made under subparagraph (c)(3) and, in the case of a determination that the communication is a request, of the date of such determination. Such notification shall be given promptly and, in any case, within five work days of the date of such determination. The ten work days within which the Agency must determine whether to comply with a request, as provided by subsection (a)(6)(A)(i) of the Freedom of Information Act, shall begin as of the date of such determination.

(e) The Coordinator shall promptly process under the procedures prescribed by § 1900.33 those communications which he determines to be expressions of interest. He shall promptly process under the procedures prescribed by § 1900.35 those communications which he determines to be requests.

§ 1900.33 Processing expressions of interest.

(a) Upon determining, in accordance with subparagraph (c)(3) of § 1900.31, that a communication is an expression of interest, and after promptly consulting with such Agency components as he may deem appropriate, the Coordinator, to the extent feasible, shall determine the search and duplication charges likely to be incurred by the potential requester if the potential requester ultimately requests such records. In determining such charges, the Coordinator shall take into account the nature and quantity of the work and services of people and computers and other equipment which may be required, and the applicable rates set out in the fee schedule prescribed by paragraph (c) of § 1900.25. If feasible at this stage, the Coordinator also shall determine whether to waive or reduce the fee in accordance with paragraph (a) of § 1900.25.

(b) The Coordinator thereupon shall advise the potential requester, in writing, of the likely search and duplication charges. He shall explain the bases and reasons for the charges and he shall make clear that the amounts indicated are estimates only, if such be the case, and, if there is a possibility that the charges to be incurred may be in larger amounts, he shall so inform the potential requester. If the amounts indicated are not estimates but are the amounts which in fact are to be charged if the potential requester makes a request, he shall inform the potential requester of that fact. In either event and if such be the case, he shall also inform the potential requester that search charges will be levied upon the requester even if no records fitting the description are located or if any or all records which do fit the description are denied the requester.

(c) When he deems it appropriate or when the potential requester so requests, the Coordinator shall consult with and advise the potential requester with the view to assisting the latter to determine whether and, if so, how to revise the description of the records of interest so as to cause or permit a reduction in the likely and actual search and duplication charges.

(d) Upon receipt of such estimate and advice concerning likely charges, the potential requester may:

(1) In accordance with § 1900.21, submit a request for records, either the records of interest indicated in his expression of interest or records encompassed in a less-inclusive description;

(2) Advise the Coordinator that he does not intend to request records; or

(3) Take no additional action.

(e) If, as a result of his consultations with the Coordinator or otherwise, the potential requester wants to request records additional to or other than those described in his expression of interest, he may submit an expression of interest

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with respect to such records, in accordance with § 1900.23, or a request for such records, in accordance with § 1900.21.

§ 1900.35 Processing requests for records.

Upon determining that a communication is a request for records, the Coordinator, after consulting with such Agency components as he may deem appropriate, shall promptly transmit a copy of the request to the component or components believed responsible for the records, if any exist, inform the components of the date of receipt of the request as determined by him pursuant to paragraph (c)(3) of § 1900.31, and alert the components to the action required of them by § 1900.41 through § 1900.47 with respect to the request.

ACTIONS ON REQUESTS

§ 1900.41 Searching for requested records.

(a) Upon receipt of a copy of a request and an alert pursuant to § 1900.35, the components responsible for requested records (hereinafter the "responsible components"), shall, with such assistance as may be appropriate from the Coordinator and from such reference, indexing or filing components as may have reference, indexing or filing responsibilities with respect to any such records, undertake to locate the requested records.

(b) If no records described by the request are located, the responsible components shall so inform the Coordinator who shall promptly so inform the requester, in writing. The Coordinator also shall determine the charges, if any, for which the requester shall be liable, in accordance with the fee schedule and provisions of § 1900.25. He shall inform the requester of the amount charged, explain the basis of computation and request prompt payment thereof.

§ 1900.43 Reviewing records.

(a) The responsible components shall review any located records in accordance with the provisions of the Freedom of Information Act and Executive Order 11652, and on the basis of other applicable law, regulations and policy, and determine which, if any, requested records, or reasonably segregable portions of records, are to be furnished the requester and which are to be denied or withheld. Any decision to furnish or to deny or withhold requested records shall be made only by employees and officials to whom authority to make such decisions has been duly delegated.

(b) In the event records require review by more than one Agency component or by more than one agency, the Coordinator or the responsible component, as may be appropriate, shall expeditiously coordinate such review.

§ 1900.45 Additional actions; extension of time.

Whenever feasible under the standards prescribed by § 1900.47, the search and review functions prescribed by §§ 1900.41 and 1900.43 and notice to the requester of the Agency action on the request, as prescribed by paragraph (a) of § 1900.49, shall be completed within ten days of the date of Agency receipt of the request as determined by the Coordinator pursuant to subparagraph (c)(3) or § 1900.31. Whenever the Coordinator determines that "unusual circumstances," as defined by subsection (a)(6)(B) of the Freedom of Information Act, exist, he may, by written notice to the requester, authorize an additional period for completion of Agency action, but no such extension shall be for more than ten work days. His notice shall also set forth the reasons for the extension.

§ 1900.47 Allocation of manpower and resources; agreed extension of time.

(a) Agency components shall devote such manpower and other resources to searching for, locating and reviewing records in accordance with §§ 1900.41 and 1900.43 as may be appropriate and expedient in the circumstances, taking into account:

(1) The manpower and resources available for those purposes;

(2) The right of the requester to resort to litigation if the Agency decision on the request is not made within ten work days; and

(3) All functions, duties and responsibilities assigned to those components by, or pursuant to, law.

(b) The responsible components shall consult with the Coordinator with regard to the need to allocate resources and establish priorities, and the latter with the requester, as may be appropriate, in order to accomplish such arrangements and agreements with the requester as may be acceptable to the requester concerning the Agency's efforts and ability to act on his request expeditiously. In particular, when the Coordinator deems it feasible and of possible benefit to the requester, the public or the Agency, he shall inform the requester that more thorough or extensive search or review, or both, could be accomplished, which might be of benefit to the requester, if additional time were to be available. When appropriate in such cases, the Coordinator shall also advise the requester of the effect on charges and fees such additional search might cause. Any extensions arranged or agreed to under this section may be in addition to any extension under § 1900.45.

§ 1900.49 Notification and payment; furnishing records.

(a) The Coordinator shall promptly inform the requester, in writing, which of the requested records, or portions thereof, if any, are to be furnished the requester and those, if any, which are denied, as determined pursuant to paragraph (a) of § 1900.43. With respect to the latter, he shall also explain the reasons for the denial and he shall furnish the names and titles or positions of the persons responsible for the decision to deny access.

(b) Upon receipt of payment of all fees and charges, or upon the completion of arrangement satisfactory to the Coordinator that payment will be made promptly, the Coordinator shall promptly prepare copies of the records, or portions of records, which are to be made available and transmit them to the requester. The Coordinator shall do likewise with respect to any records or portions of records made available to a requester by the action of the Central Intelligence Agency Information Review Committee under subparagraph (i) or (ii) of paragraph (e) of § 1900.51.

APPEALS

§ 1900.51 Appeal to CIA Information Review Committee.

(a) *Establishment of committee.* The Central Intelligence Agency Information Review Committee is established hereby, pursuant to the Freedom of Information Act and section 7(B)(2) of Executive Order 11652. The Committee shall be comprised of the Deputy Director for Administration, the Deputy Director for Intelligence, the Deputy Director for Operations, the Deputy Director for Science and Technology, the Deputy to the Director of Central Intelligence for the Intelligence Community and the Deputy to the Director of Central Intelligence for National Intelligence Officers. The Director of Central Intelligence shall appoint a chairman. The Committee, by majority vote, may delegate to one or more of its members the authority to act on any appeal or appeals under this section, and may authorize the chairman to delegate such authority.

(b) *Right of appeal: notice.* Whenever any requested record or any portion thereof is denied a requester, the requester may appeal the denial to the Committee and the Coordinator shall inform the requester of this right, in writing. Also, any requester for the declassification of classified documents under Executive Order 11652 who is not informed of Agency action thereon within sixty days of his request may request the Committee to declassify the documents and make them available.

(c) *Appeal procedures.* Any such appeal or request to the Committee shall be in writing, addressed to the CIA Freedom of Information Coordinator. The appeal or request may present such information, data and argument in support thereof as the requester may desire. The Committee shall not permit a requester to appear before the Committee or to make an oral presentation.

(d) *Time for appeal: expiration of right of appeal.* An appeal shall be submitted within thirty days of the date of receipt of notification of the right to appeal and the right of appeal shall cease as of the expiration of that period. But the Committee, for good cause shown, may permit an additional thirty days for the submission of an appeal.

(e) *Committee action on appeals and requests.* (1) The Committee shall promptly consider any appeal, together with any submissions in support thereof, and shall grant or deny the appeal or take such other action on the request as it may deem appropriate. The Committee's review, decision and action shall be based on and shall be in conformance

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with the Freedom of Information Act, Executive Order 11652 and other applicable law, directives, regulations and policy.

(2) The Committee shall promptly consider any requests for declassification under paragraph (a) of this section and shall declassify any such records or reasonably segregable portions of such records as it deems appropriate in accordance with Executive Order 11652.

(3) Committee action on appeals shall be completed within twenty work days of receipt of the appeal, except that the Committee may, in accordance with the provisions of § 1900.45, avail itself of an additional period of time for completion of its work on the appeal. But no such extension shall be available with respect to an appeal of a denial of a request which was the subject of an extension of time for Agency action by the Coordinator under that paragraph. In the event the Committee is unable to complete its review of an appeal within the time prescribed by the two preceding sentences it may, by agreement with the requester, extend the period for completion of such review.

(4) The Committee shall promptly inform the requester of its decisions and, with respect to any decision to withhold or deny records, it shall furnish the names and titles or positions of the persons responsible for the decision. If any record or portion thereof is denied the requester by the Committee's action, the Committee shall also inform the requester of the provision for judicial review of that determination under subsection (a)(4) of the Freedom of Information Act.

§ 1900.53 Appeal to Interagency Classification Review Committee.

In the case of any refusal to declassify records which are at least ten years old, the Committee also shall inform the requester of his right to appeal that denial to the Interagency Classification Review Committee established pursuant to section 7(A) of Executive Order 11652, as provided by section IX(D) of the National Security Council Directive of May 1972. In that event, the Committee shall also inform the requester that appeal to the Interagency Classification Review Committee shall not waive his right to judicial review as provided by subsection (a)(4) of the Act.

MISCELLANEOUS

§ 1900.61 Access for historical research.

(a) Any person engaged in a historical research project may submit a request in writing, to the Coordinator to be given access to information classified pursuant to an Executive order for purposes of that research project may submit a request, the nature, purpose and scope of the research project.

(b) The Coordinator may authorize access, under such conditions and at such time and place as he may deem feasible. But the Coordinator shall authorize access only with respect to documents and records prepared or originated not less than ten years prior to the date of such request and only upon the prior written approval by the Agency Director of Security of a current security clearance of the requester and of persons associated with him in the project, in accordance with Executive Order 10450, and upon the Coordinator's further determination that:

(1) A serious professional or scholarly research project is contemplated;

(2) Such access is clearly consistent with the interests of national security;

(3) Appropriate steps have been taken to assure that classified information will not be published or otherwise compromised;

(4) The information requested is reasonably accessible and can be located and compiled with a reasonable amount of effort;

(5) The historical researcher agrees to safeguard the information in a manner consistent with Executive Order 11652 and the National Security Council Directive of May 1972; and

(6) The historical researcher agrees to authorize a prior review of his notes and manuscript by the Agency for the sole purpose of determining that no classified information is contained therein.

(c) An authorization shall be valid for the period required for the research project, as the Coordinator may determine, but in no event for more than two years. But upon renewed request in accordance with paragraph (a) of this section, authorization may be renewed in accordance with paragraph (b) and this paragraph.

(d) The Coordinator shall cancel any authorization whenever the Director of Security cancels the security clearance of the requester or of any person associated with the requester in the research project or whenever the Coordinator determines that continued access would not be in compliance with one or more of the requirements of paragraph (b) of this section.

§ 1900.63 Suggestions and complaints.

Any person may direct any suggestion or complaint with respect to the Agency administration of Executive Order 11652 to the CIA Information Review Committee. The Committee shall consider such suggestions and complaints and shall take such action thereon as it may deem feasible and appropriate.

This regulation shall become effective on February 19, 1975.

JOHN F. BLAKE,
Deputy Director for Administration, Central Intelligence Agency.

FEBRUARY 11, 1975.

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: John F. Blake
Deputy Director for Administration

EXTENSION

NO.

DATE 3 MAR 1975

STAT

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. Director of Central Intelligence	3/4	3/4		Sir:
2.				Per our conversation, the attached reports to Congress on the FOIA for 1974 have been changed to include:
3.				a. Attachments reflecting our complete Executive Order activity during 1974.
4.				b. A statistical summary of declassification activity under paragraph 3 of the letters.
5.				c. A new last paragraph addressing itself to our present problem.
6.				
7.				STAT
8.				John F. Blake
9.				Att: DD/A 75-1028
10.				
11.				
12.				
13.				
14.				
15.				

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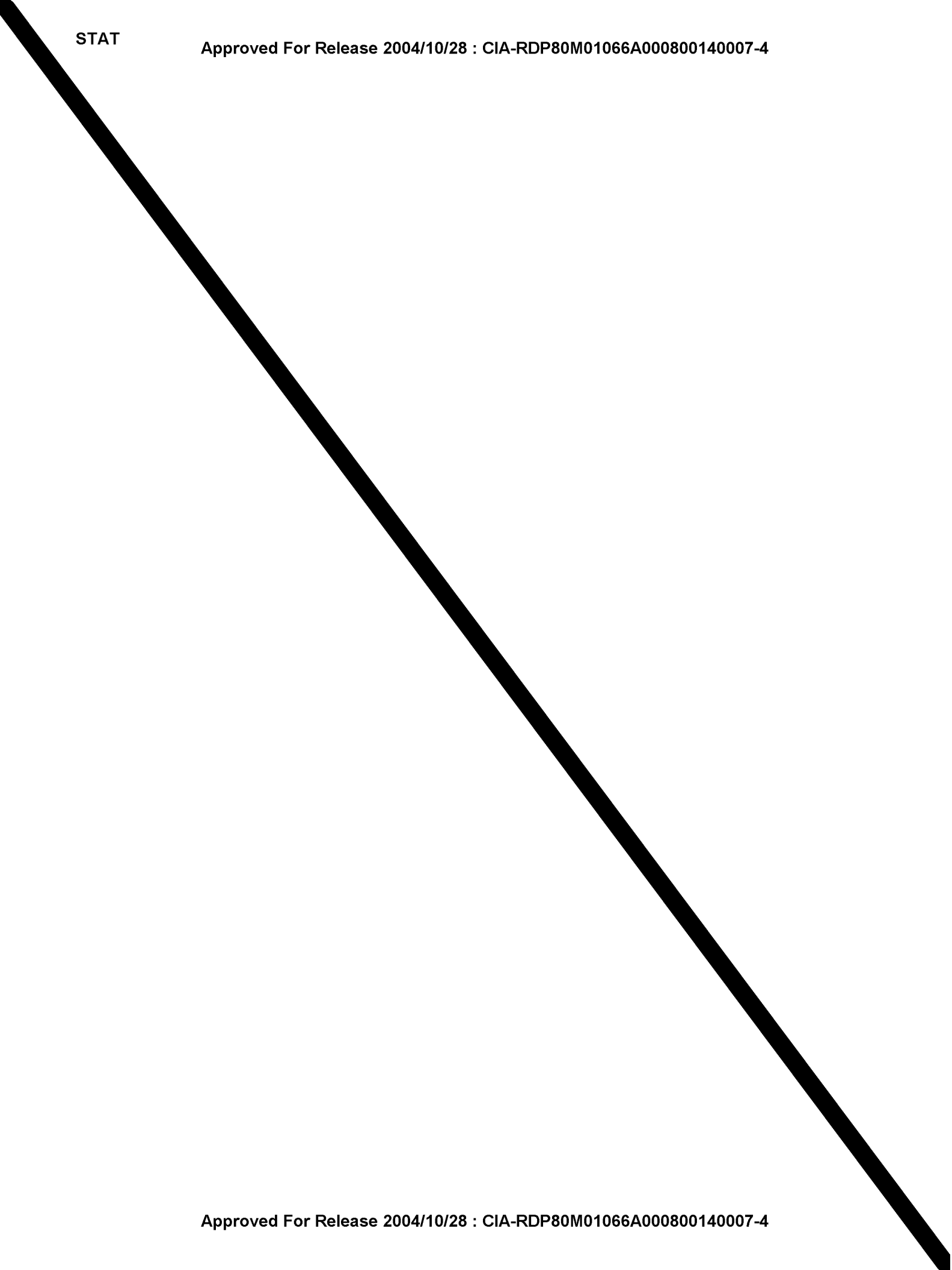

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